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BEFORE THE ARIZONA CORPOR

COMMISSIONERS

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF:

DOCKET NO. S-20806A-11-0234

BEVERLY MICHELE WEST and ROSS WEST,
wife and husband,

RESPONDENTS.

FIFTH
PROCEDURAL ORDER
(Continues Status Conference)

BY THE COMMISSION:

On June 6, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Beverly Michele West and Ross West, wife and husband (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts.

The Respondents were duly served with a copy of the Notice.

On June 29, 2011, a request for hearing was filed by the Respondents.

On July 1, 2011, by Procedural Order, a pre-hearing conference was scheduled on July 26, 2011.

On July 26, 2011, the Division and Respondents appeared with counsel. The Division and Respondents are discussing a possible settlement of the issues raised by the Notice. The parties agreed that a status conference should be scheduled in mid-September to determine a hearing date if a settlement cannot be reached. Subsequently, by Procedural Order, a status conference was scheduled on September 14, 2011.

On September 14, 2011, at the status conference, the Division appeared with counsel. Neither of the Respondents nor their counsel appeared. Counsel for the Division indicated that the Division would look into the failure to appear by the Respondents and their counsel and request that either another status conference or a hearing be scheduled.

1 On October 18, 2011, the Division filed a Motion to Set a Hearing and suggested that the
2 proceeding be scheduled for a five day hearing in May 2012 to avoid any scheduling conflicts.

3 On October 19, 2011, by Procedural Order, a hearing was scheduled on May 7, 2012, and an
4 exchange of documentation was ordered.

5 On March 27, 2012, the Division filed a Joint Stipulation on behalf of the parties requesting
6 that the proceeding be continued, and the exchange of documentation be delayed. The parties also
7 requested that a status conference be scheduled in 30 to 45 days. The parties indicated that new
8 information and documentation was being reviewed that could lead to a resolution of the proceeding
9 between the Division and the Respondents.

10 On March 28, 2012, by Procedural Order, the hearing date was vacated, and the exchange of
11 documentation delayed. A status conference was also scheduled on May 9, 2012.

12 On May 7, 2012, the Division filed a Joint Stipulation on behalf of the parties requesting that
13 the status conference be continued. The parties also requested that another status conference be
14 scheduled in 60 days. The parties indicated that after a settlement conference new documentation is
15 being reviewed by the Division and this may lead to a resolution of the proceeding between the
16 Division and the Respondents.

17 Accordingly, the status conference should be continued.

18 IT IS THEREFORE ORDERED that the **status conference scheduled on May 9, 2012, shall**
19 **be continued to July 10, 2012, at 2:00 p.m.,** at the Commission's offices, 1200 West Washington
20 Street, **Hearing Room No. 1,** Phoenix, Arizona.

21 IT IS FURTHER ORDERED that **if the case is resolved by a proposed Consent Order**
22 **prior to the status conference, the Division shall file a Motion to Vacate the proceeding.**

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
24 Communications) applies to this proceeding as the matter is now set for public hearing.

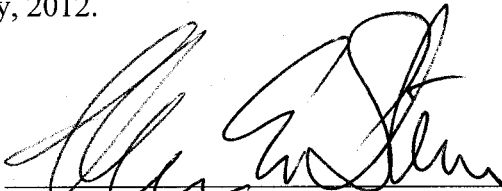
25 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
28 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission
5 *pro hac vice*.

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 DATED this 8th day of May, 2012.

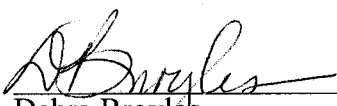
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10
11 
12 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 8th day of May, 2012 to:

15 Hubert E. Kelly
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23 By: 
24 Debra Broyles
25 Secretary to Marc E. Stern
26
27
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